United Nations S/2005/474

Security Council

Distr.: General
22 July 2005

Original: English

Letter dated 13 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the resumption of the six-party talks issued on 13 July 2005 (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-43513 (E) 260705

Annex to the letter dated 13 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Korean peninsula: statement on the resumption of the six-party talks issued on 13 July 2005 by the Presidency on behalf of the European Union

The European Union welcomes the announcement that the six-party talks are to resume in the week beginning 25 July. The European Union strongly hopes that substantial progress will be made in the fourth round of talks. The European Union reiterates its commitment to a Korean peninsula free of nuclear weapons, and urges the Democratic People's Republic of Korea to dismantle its nuclear programmes. The European Union stands ready to do what we can to support the parties in achieving this goal.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova and Ukraine align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/475

Security Council

Distr.: General
22 July 2005

Original: English

Letter dated 14 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement concerning the latest developments in the Bakassi peninsula, issued on 13 July 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-43519 (E) 250705

Annex to the letter dated 14 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement concerning the latest developments in the Bakassi peninsula issued on 13 July 2005 by the Presidency on behalf of the European Union

The European Union is concerned at reports of security incidents in Bakassi. The European Union deeply regrets all incidents and any resulting casualties. The European Union urges Nigeria and Cameroon to work constructively together to establish the facts of the incidents and to defuse any resultant tension. The European Union also encourages both sides to meet under the auspices of the United Nations Mixed Commission as soon as practical.

The European Union reiterates its support for the International Court of Justice ruling in 2002, and the work of the United Nations Mixed Commission. We applaud the progress made so far on the demarcation and settlement of other parts of the Nigeria-Cameroon border, and call on both sides to finalize demarcation.

The European Union stresses the importance of both Nigeria and Cameroon continuing to engage constructively with the United Nations Secretary-General and his Special Representative for West Africa to implement their commitment to bring the ongoing negotiations on their border in the area of the Bakassi peninsula to a swift, successful and mutually agreeable conclusion.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/476

Security Council

Distr.: General
22 July 2005

Original: English

Letter dated 14 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the joint statement on Ethiopia issued on 13 July 2005 by the European Union and the United States of America (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-43507 (E) 250705

Annex to the letter dated 14 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Joint statement on Ethiopia issued on 13 July 2005 by the European Union and the United States of America

The European Union and the United States commend the Ethiopian people for their peaceful and democratic expression of political will on 15 May. The international community urges in the strongest terms that all parties to the elections and the Government abide by their commitment to the 10 June and 13 June 2005 declarations. All parties should renounce all use of violence, inflammatory, defamatory or ethnic hate messages via the media or Internet, and any other action that is likely to further increase tension in Ethiopia.

The European Union and the United States expect all political parties and the Government to abide by the political process through parliamentary and constitutional means to resolve this election crisis. We urge all parties to participate fully in the Complaints Investigation Panel process. All dissenting views need to be registered and the personal safety of witnesses ensured. Where there are procedural or other problems these need to be addressed swiftly and constructively.

We urge the nation's political leaders as well as those in the diaspora to work together for political dialogue and support open communication towards reconciliation and a commitment to peace and non-violence. We note the announcement by the National Electoral Board on 8 July of the first set of final election results, and call on all sides to dedicate their efforts to ensure that the electoral process continues to be carried out in a transparent and fully open manner.

We expect all political parties including the Ethiopian People's Revolutionary Democratic Front (EPRDF), the Coalition for Unity and Democracy (CUD) and the United Ethiopian Democratic Forces (UEDF) to respect the political process with the National Electoral Board and continue working for the promotion of democracy and a vibrant society. We urge the Government of Ethiopia to respect international principles of human rights by exercising due process and releasing detained party members and party supporters who are not going to be charged.

The European Union and the United States will assist Ethiopia as it meets these new democratic challenges.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, EFTA countries Iceland, Liechtenstein and Norway and members of the European Economic Area, as well as the Republic of Moldova and Ukraine, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/477

Security Council

Distr.: General
22 July 2005

Original: English

Draft resolution

The Security Council,

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, and 1539 (2004) of 22 April 2004, which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict,

While noting the advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, *remaining deeply concerned* over the lack of overall progress on the ground, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

Stressing the primary role of national governments in providing effective protection and relief to all children affected by armed conflicts,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Convinced that the protection of children in armed conflict should be regarded as an important aspect of any comprehensive strategy to resolve conflict,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Stressing its determination to ensure respect for its resolutions and other international norms and standards for the protection of children affected by armed conflict,

Having considered the report of the Secretary-General of 9 February 2005 (S/2005/72) and stressing that the present resolution does not seek to make any legal determination as to whether situations which are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

Gravely concerned by the documented links between the use of child soldiers in violation of applicable international law and the illicit trafficking of small arms

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and light weapons and stressing the need for all States to take measures to prevent and to put an end to such trafficking,

1. *Strongly condemns* the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and all other violations and abuses committed against children in situations of armed conflict;

2. *Takes note* of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict as called for in paragraph 2 of its resolution 1539 (2004) and, in this regard:

(a) underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the working group to be created in accordance with paragraph 8 of this resolution;

(b) underlines further that this mechanism must operate with the participation of and in cooperation with national governments and relevant United Nations and civil society actors, including at the country-level;

(c) stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national governments;

(d) also stresses that any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned government;

3. *Requests* the Secretary-General to implement without delay, the above-mentioned monitoring and reporting mechanism, beginning with its application, within existing resources, in close consultation with countries concerned, to parties in situations of armed conflict listed in the annexes to Secretary-General's report (S/2005/72) that are on the agenda of the Security Council, and then, in close consultation with countries concerned, to apply it to parties in other situations of armed conflict listed in the annexes to Secretary-General's report (S/2005/72), bearing in mind the discussion of the Security Council and the views expressed by Member States, in particular during the annual debate on Children and Armed Conflict, and also taking into account the findings and recommendations of an independent review on the implementation of mechanism to be reported to the Security Council by 31 July 2006. The independent review will include:

(a) an assessment of the overall effectiveness of the mechanism, as well as the timeliness, accuracy, objectivity and reliability of the information compiled through the mechanism;

(b) information on how effectively the mechanism is linked to the work of the Security Council and other organs of the United Nations;

(c) information on the relevance and clarity of the division of responsibilities;

(d) information on the budgetary and other resource implications for United Nations actors and voluntary funded organizations contributing to the mechanism;

(e) recommendations for the full implementation of the mechanism;

4. *Stresses* that the implementation of the monitoring and reporting mechanism by the Secretary-General will be undertaken only in the context of and for the specific purpose of ensuring the protection of children affected by armed conflict and shall not thereby prejudge or imply a decision by the Security Council as to whether or not to include a situation on its agenda;

5. *Welcomes* the initiatives taken by UNICEF and other United Nations entities to gather information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children in situations of armed conflict and invites the Secretary-General to take due account of these initiatives during the initial phase of implementation of the mechanism referred to in paragraph 3;

6. *Notes* that information compiled by this mechanism, for reporting by the Secretary-General to the General Assembly and the Security Council, may be considered by other international, regional and national bodies, within their mandates and the scope of their work, in order to ensure the protection, rights and well-being of children affected by armed conflict;

7. *Expresses* serious concern regarding the lack of progress in development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004) and, pursuant to this, calls on the parties concerned to develop and implement action plans without further delay, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates and within their capabilities; and requests the Secretary-General to provide criteria to assist in the development of such action plans;

8. *Decides* to establish a working group of the Security Council consisting of all members of the Council to review the reports of the mechanism referred to in paragraph 3 of this resolution, to review progress in the development and implementation of the action plans mentioned in paragraph 7 of this resolution and to consider other relevant information presented to it; *decides further* that the working group shall:

(a) make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict;

(b) address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of this resolution in accordance with their respective mandates;

9. *Recalls* paragraph 5 (c) of its resolution 1539 (2004), and reaffirms its intention to consider imposing, through country-specific resolutions, targeted and graduated measures, such as, inter alia, a ban on the export and supply of small arms and light weapons and of other military equipment and on military assistance,

against parties to situations of armed conflict which are on the Security Council's agenda and are in violation of applicable international law relating to the rights and protection of children in armed conflict;

10. *Stresses* the responsibility of United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up to Security Council resolutions, ensure a coordinated response to CAAC concerns and to monitor and report to the Secretary-General;

11. *Welcomes* the efforts undertaken by United Nations peacekeeping operations to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel;

12. *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child-protection advisers (CPAs), and requests the Secretary-General to ensure that the need for and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation; welcomes the comprehensive assessment undertaken on the role and activities of CPAs with a view to drawing lessons learned and best practices;

13. *Welcomes* recent initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict, and encourages continued mainstreaming of child protection into their advocacy, policies and programmes; development of peer review and monitoring and reporting mechanisms; establishment, within their secretariats, of child-protection mechanisms; inclusion of child-protection staff and training in their peace and field operations; sub- and interregional initiatives to end activities harmful to children in times of conflict, in particular cross-border recruitment and abduction of children, illicit movement of small arms, and illicit trade in natural resources through the development and implementation of guidelines on children and armed conflict;

14. *Calls upon* all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes;

15. *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate, in the context of the cooperation framework between the United Nations and the concerned government, in the follow-up and implementation of these commitments;

16. *Urges* Member States, United Nations entities, regional and subregional organizations and other parties concerned, to take appropriate measures to control

illicit subregional and cross-border activities harmful to children, including illicit exploitation of natural resources, illicit trade in small arms, abduction of children and their use and recruitment as soldiers as well as other violations and abuses committed against children in situations of armed conflict in violation of applicable international law;

17. *Urges* all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives;

18. *Requests* that the Secretary-General direct all relevant United Nations entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAAC issues within their respective institutions, including by ensuring allocation of adequate financial and human resources towards protection of war-affected children within all relevant offices and departments and on the ground as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the protection of children in armed conflict;

19. *Reiterates* its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the protection of children is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein when dealing with those situations on its agenda;

20. *Requests* the Secretary-General to submit a report by November 2006 on the implementation of this resolution and resolutions 1379 (2001), 1460 (2003), and 1539 (2004) which would include, inter alia:

(a) Information on compliance by parties in ending the recruitment or use of children in armed conflict in violation of applicable international law and other violations being committed against children affected by armed conflict;

(b) Information on progress made in the implementation of the monitoring and reporting mechanism mentioned in paragraph (3);

(c) Information on progress made in the development and implementation of the action plans referred to in paragraph (7) of the present resolution;

(d) Information on the assessment of the role and activities of CPAs;

21. *Decides* to remain actively seized of this matter.

United Nations S/2005/478

Security Council

Distr.: General
22 July 2005

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003, 1534 (2004) of 26 March 2004 and 1597 (2005) of 20 April 2005,

Having considered the nominations for ad litem judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General,

Forwards the following nominations to the General Assembly in accordance with Article 13 ter (1) (d) of the Statute of the International Tribunal:

Mr. Tanvir Bashir Ansari (Pakistan)

Mr. Melville Baird (Trinidad and Tobago)

Mr. Frans Bauduin (The Netherlands)

Mr. Giancarlo Roberto Belleli (Italy)

Mr. Ishaq Usman Bello (Nigeria)

Mr. Ali Nawaz Chowhan (Pakistan)

Mr. Pedro David (Argentina)

Mr. Ahmad Farawati (Syrian Arab Republic)

Ms. Elizabeth Gwaunza (Zimbabwe)

Mr. Burton Hall (The Bahamas)

Mr. Frederik Harhoff (Denmark)

Mr. Frank Höpfel (Austria)

Ms. Tsvetana Kamenova (Bulgaria)

Mr. Muhammad Muzammal Khan (Pakistan)

Mr. Uldis Kinis (Latvia)

Mr. Raimo Lahti (Finland)

Ms. Flavia Lattanzi (Italy)

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Mr. Antoine Mindua (Democratic Republic of the Congo)

Mr. Jawdat Naboty (Syrian Arab Republic)

Ms. Janet Nosworthy (Jamaica)

Ms. Chioma Egondu Nwosu-Iheme (Nigeria)

Ms. Prisca Matimba Nyambe (Zambia)

Ms. Michèle Picard (France)

Mr. Brynmor Pollard (Guyana)

Mr. Árpád Prandler (Hungary)

Ms. Kimberly Prost (Canada)

Mr. Sheikh Abdul Rashid (Pakistan)

Ms. Vonimbolana Rasoazanany (Madagascar)

Mr. Ole Bjørn Støle (Norway)

Mr. Krister Thelin (Sweden)

Mr. Klaus Tolksdorf (Germany)

Mr. Stefan Trechsel (Switzerland)

Mr. Abubakar Bashir Wali (Nigeria)

Mr. Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia)

United Nations S/2005/479

Security Council

Distr.: General
27 June 2005

Original: English

Letter dated 27 June 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report of Argentina submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 23 June 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to the note of the Counter-Terrorism Committee requesting information additional to that provided in Argentina's fourth report to the Committee, of 19 April 2004.

In reply to that note, please find attached the fifth report of the Argentine Republic, which contains the information requested (see annex).

In the hope that the Committee finds this additional information to be sufficient, I remain at your disposal to answer any related questions you may have.

(*Signed*) César **Mayoral**
Ambassador
Permanent Representative

Enclosure*

[Original: English/Spanish]

In his note S/AC.40/2005/MS/OC.481 of 25 February 2005 the Chairman of the United Nations Security Council Committee established pursuant to resolution 1373 (2001) (the Counter-Terrorism Committee) transmitted to the Government of the Argentine Republic comments and questions raised by the fourth report submitted by Argentina pursuant to paragraph 6 of the resolution, which was duly published as a Security Council document (S/2004/323). Those comments and questions relate to existing legislation, draft legislation and the implementation of operational measures pertaining to the implementation of resolution 1373 (2001).

Below are the replies to the Committee's questions, in the order established in the note.

1. Implementation measures

1.1 ***The third report of Argentina refers on page 4 to draft legislation under consideration that would amend the Penal Code and the Act on Concealment and Laundering of Proceeds of Crime with a view to bringing Argentina fully into compliance with the legislative requirements for implementing resolution 1373 (2001). It is also indicated that such measures would allow Argentina to become a party to the International Convention for the Suppression of the Financing of Terrorism. The Committee would appreciate it if Argentina would provide it with an update on the status of the proposed legislation and information concerning any further action taken by Argentina to strengthen its counter-terrorism capacity and modalities for cooperation with other States to combat terrorism.***

1.1.1 Status of proposed legislation

On 30 March 2005, by Act No. 26,024, the National Congress adopted the International Convention for the Suppression of the Financing of Terrorism, and the initial steps towards its ratification have been taken. Once the Convention has been ratified Argentina will have become a party to the 12 United Nations anti-terrorism conventions now in force.

At the inter-American level, it should be noted that on 30 March 2005, by Act No. 26,023, the legislature adopted the Inter-American Convention against Terrorism. This instrument complements and strengthens at the regional level the obligations assumed under the United Nations conventions.

The adoption of the Convention by the legislature is in keeping with recent recommendations by the Financial Action Task Force on Money Laundering (FATF) pursuant

* Annexes are on file with the Secretariat and are available for consultation.

to which the Argentine Republic is required to adopt various measures to adapt its legislation. These include characterizing the financing of terrorism and money-laundering as separate offences, the latter being governed by a penal regime different from the regime applicable to concealment.

In this regard, the Legislative Power has made progress in preparing draft legislation amending article 277 (on concealment) and article 278 (on money-laundering) of the Penal Code. The draft was adopted by the Chamber of Deputies on 1 June 2005 and has been forwarded to the Senate for enactment into law. The text of the draft is attached in annex 2.

A problem arises inasmuch as article 277, paragraph 3, exempts from criminal liability persons who have acted on behalf of their spouse, a relative no further removed than the fourth level of consanguinity or second level of kinship, a close friend, or a person to whom a special favour is owed. Accordingly, the draft eliminates the applicability of these exceptions, which are characteristic of the offence of concealment, in money-laundering cases. Money-laundering will therefore always be a punishable offence, irrespective of the personal relationship between the person who committed the money-laundering offence and the perpetrator of the predicate offence.

Similarly, under the same draft law, banking secrecy, professional confidentiality or related forms of secrecy cannot be raised as a barrier to providing information to the Financial Intelligence Unit (UIF), which reports to the Ministry of Justice. The draft also provides that when UIF receives suspicious transaction reports it is authorized to forward dossiers to the Office of the Public Prosecutor, which would consider whether to institute criminal proceedings.

1.1.2. Measures to strengthen Argentina's counter-terrorism capacity

The Argentine Republic, by Decree No. 1,521/2004 of 3 November 2004, recently introduced legal provisions to accelerate the application to domestic law of sanctions established by the Security Council.

Article 1 of the Decree stipulates that:

> *Security Council resolutions adopted pursuant to Chapter VII of the United Nations Charter which impose obligations on Member States that do not involve the use of armed force but do call for sanctions, as well as decisions relating to changes to and the termination of such sanctions, shall be disseminated by the Ministry of Foreign Affairs, International Trade and Worship in resolutions which shall be published in the Official Gazette.*

Article 2 provides that:

> *Where the Security Council or its subsidiary bodies identify individuals or entities covered by the sanctions regime envisaged in the resolutions referred to in article 1 of this Decree, the Ministry of Foreign Affairs, International Trade and Worship shall identify the names in question in resolutions which shall published in the Official Gazette.*

With the adoption of the Decree, certain powers can be delegated to the Ministry of Foreign Affairs, International Trade and Worship, whereas prior to its entry into force measures called for by the Security Council not involving the use of armed force could be implemented only after the National Executive Power had adopted a special decree to that effect. However, now that the new legislation is in place a ministerial resolution will suffice. This will undoubtedly accelerate compliance with the Council's mandates regarding the fight against terrorism, particularly those pertaining to the implementation of sanctions regimes involving the freezing of funds of natural and juridical persons, travel restrictions and the like.

1.1.3 Modalities for cooperation with other States

(i) ***Extradition and mutual legal assistance treaties***

The Agreement between the Argentine Republic and the Republic of El Salvador on Legal Assistance in Criminal Matters was adopted on 30 June 2004 by Act No. 25,911. The Agreement specifically states in article 6, paragraph 5(f), that terrorist acts may not be regarded as political or related offences for purposes of refusing assistance. A number of treaties are currently being negotiated and steps are being taken to adapt their provisions to the relevant criteria envisaged both in international agreements on extradition and mutual legal assistance concluded under United Nations auspices and in FATF recommendations 36-39. These criteria include not refusing extradition or legal assistance on the grounds of banking secrecy or that the offence involves fiscal matters.

(ii) *Legal cooperation in connection with the terrorist attack against AMIA*

With reference to the investigations which the Argentine Republic reported in document S/2004/323 into the terrorist attack against the Asociación Mutual Israelita Argentina (AMIA) in Buenos Aires in 1994, the case before National Federal Criminal and Correctional Court No. 9, Registry No. 17, entitled "Pasteur 633 attack (homicide, injury, damage)", was moved to National Federal Criminal and Correctional Court No. 6, Registry No. 11, as Case No. 8566/96, entitled "Coppe, Juan Carlos et al., illegal association and other offences, attack against AMIA/DAIA [Delegación de Asociaciones Israelitas Argentinas]".

Part of the case was moved to Federal Oral Tribunal No. 3 for oral proceedings in open court, as Case No. 487/100 entitled "Telledin, Carlos Alberto et al., aggravated homicide (attack on AMIA headquarters)". On 2 September 2004 the Tribunal delivered its judgment nullifying some charges and absolving a series of persons tried in the case.

As from the final quarter of 2004 the investigation of the case was turned over to the Prosecution Unit established specifically for this purpose in the Office of the Attorney General of the Nation.

International arrest warrants issued for the Iranian citizens who are subjects of the investigation of the attack were renewed by the current investigating judge and therefore remain valid.

Cooperation in legal matters has continued. Argentina has sent letters rogatory to a number of countries, including Brazil, Canada, Chile, Colombia, France, Germany, Iran, Israel, Italy, Kuwait, Lebanon, Panama, Paraguay, Portugal, Saudi Arabia, South Africa, Spain, Syria, the United Kingdom, Uruguay and Venezuela. Argentina has received full or partial replies from some countries and is awaiting replies from others. For example, the office of Argentina's Ministry of Foreign Affairs in Iran has not yet received replies to four of the six letters rogatory sent to that country.

(iii) ***Cooperation between administrative bodies***

At the international level, the Financial Intelligence Unit, exercising its authority under article 14, paragraph 9, of Act No. 25,246, and with a view to consolidating initiatives to prevent money-laundering, signed agreements on cooperation with regard to information exchange with 14 States, namely Paraguay, Chile, Australia, Belgium, Brazil, Honduras, Peru, Bolivia, Colombia, El Salvador, Spain, Guatemala, Panama and Venezuela.

Similarly, in late 2003 UIF became a member of the Egmont Group, which was established in 1995 to develop linkages and mechanisms to foster cooperation in the exchange of information and experience with respect to training, technology infrastructure and communications, development of typologies, and new trends in crime. The objective of such cooperation is to maximize the functioning of the mechanisms the Group's member countries have put in place to combat money-laundering and the financing of terrorism. Argentina's UIF thus gained access to the Egmont Secure Web (ESW), which enables secure information exchanges. The network currently has 94 subscribers with which UIF is now in a position to exchange information on combating money-laundering and the financing of terrorism.

In 2004, in the context of the aforementioned exchange agreements and ESW, UIF sent 24 information requests to its counterparts in other States and received 38 such requests from its partner UIFs.

1.2 ***Argentina also indicated in its second report that the inter-ministerial committee established to examine Argentina's laws to determine whether they conformed to international requirements pursuant to the international anti-terrorism conventions and protocols concluded that a large majority of the activities that are proscribed in these conventions have already been characterized as offences in Argentina's domestic laws. The Committee would appreciate it if Argentina would provide it with an outline of the relevant laws specifically as they apply to each of the referenced activities, as well as an outline of any proposed legislation that would bring Argentina's laws into compliance, if they were not already covered in the domestic laws.***

1.2.1 Legal provisions

Argentina's existing laws conform to the requirements set out in international instruments as regards both their substantive content and matters relating to extradition and legal assistance. With regard to the latter, the provisions of Act No. 24,767, on international cooperation in criminal matters, appear to be sufficient for the purpose of implementing these instruments. Likewise, the various regulatory and operational provisions applicable to such matters as aviation and the physical protection of nuclear materials are in conformity with international norms. These provisions are incorporated into domestic law in the form of laws and regulations.

Annex 1 (attached) contains a comparative summary of the international instruments on terrorism and the criminal laws of the Argentine Republic.

There is one exception, as indicated earlier, given the fact that the relevant international convention requires States to characterize the financing of terrorism as a separate offence. Under the convention, States are obligated to criminalize the provision or collection of funds intended for the perpetration of the acts listed in the other anti-terrorism instruments now in force and to consider terrorist acts to be predicate offences to money-laundering.

Although the financing of a terrorist act would normally be covered by Book No. 1, Title No. 7, on criminal participation, of the Penal Code, both the Convention and Security Council resolution 1373 (2001) require States to criminalize such financing whether or not the principal act is carried out. Accordingly, the Executive Power will include in the draft legislation referred to in question 1.1 above a provision characterizing the financing of terrorism as a separate offence.

Furthermore, as already indicated in reply to question 1.1, the legislature has adopted the International Convention for the Suppression of the Financing of Terrorism and ratification of this instrument will follow soon. Once this step has been taken and the Convention has been incorporated into domestic law, the Argentine Republic will have completed the process of adapting the provisions of its domestic law to its international obligations.

1.2.2 Operational measures

(i) *Immigration*

The Department of Immigration has reported that the measures it has taken include strengthening the procedures for detecting fraudulent documentation of passengers entering and exiting the country. In 2004 in the Buenos Aires metropolitan area, 210 persons were found to have false documentation. Of these, 121 were handed over to the legal authorities and the remainder were refused entry and sent back to their countries of origin. In addition, passenger profile assessments were carried out, in many cases revealing the passengers' true nationalities. This process made it possible to identify persons who were using ideologically false documents, for example, where the supporting material for the document was authentic but the information contained was false.

The launch of the computerized Integrated Restrictions Management System (SIGER) has provided access to a more substantial database, particularly with respect to data on national and international alerts and arrests and reports of document theft. As a complement to the database, the anticipated launch of the biometric system will enable Argentina to establish linkages and directly exchange information with various countries. Fingerprints and photographs of travellers will be obtained upon entry and exit, providing data that can be checked against data stored by domestic and foreign security agencies.

(ii) *Financial entities*

The Central Bank of the Argentine Republic, acting on the recommendations of the Financial Action Task Force on Money Laundering, adapted the format of the applicable provisions within its purview by adopting rules on the prevention of the financing of terrorism (Communication "A" 4273 and Communication "C" 40646).

Similarly, with a view to enabling it to monitor the entities under its control more rapidly and effectively, the Central Bank has informed financial and exchange entities of the obligation to immediately freeze assets deposited by account holders and inform it whether or not such assets exist and to do likewise in connection with other types of transactions (including withdrawals and transfers) carried out or attempted by account holders, where the names of said account holders are included in lists — disseminated in resolutions adopted by the Ministry of Foreign Affairs, International Trade and Worship and published in the Official Gazette — provided by the Security Council. This obligation also exists with respect to said actions by persons and entities acting on behalf of or at the direction of said persons or entities, including with regard to funds derived or generated from property owned or controlled directly or indirectly by such persons and by the persons and entities associated with them. Reports of such activity must be provided within two business days after the names in question have been published or as soon as an account holder on the lists identified in the resolutions indicates the intention to conduct a transaction with entities in the system (Communication "A" 4218).

It should also be noted that as at 10 March 2005 the Central Bank had received 666 reports. The Bank's various inspection units generated 180 of the reports and the entities in the system provided the remaining 486.

Eighty-eight of the reports were submitted to the Office of the Public Prosecutor, 273 were referred to the Financial Intelligence Unit, 25 were archived and 280 are under review.

The reports in question involve provisions on the prevention of money-laundering and other illicit activities (Com. "A" 3094 and related communications) and the prevention of the financing of terrorism (Com. "A" 4273). By way of clarification, it should also be noted that although the transactions in question were reported in accordance with the aforementioned rules they do not indicate a direct link with terrorist financing. Rather, the reports were passed on to the legal authorities for appropriate action because the transactions were in some way unusual or suspect.

(iii) ***Insurance***

The National Superintendency of Insurance has analysed suspicious transaction reports relating to money-laundering resulting from criminal activities and, where appropriate, has forwarded the relevant reports to the Financial Intelligence Unit. The Superintendency also conducted analyses and checks in the insurance sector, thereby complying with formal UIF requirements.

(iv) ***Securities exchanges***

The National Securities Commission has directed securities markets, commodities exchanges, the Mercado Abierto Electrónico S.A., the futures and options markets, mutual funds investment companies, financial trustees and any other natural or juridical person subject to control and oversight by the Commission, pursuant to the decrees of the National Executive Power and the resolutions of the Ministry of Foreign Affairs, International Trade and Worship on the fight against terrorism, to freeze, without delay, funds and other financial assets of persons or entities identified on the lists contained in Security Council resolutions and to inform the Commission within twenty-four (24) hours of any transaction conducted by persons or entities identified on the lists contained in Security Council resolutions as reported by the Ministry of Foreign Affairs, International Trade and Worship.

In addition, the aforementioned persons and entities subject to control and oversight by the Commission are required to inform the Commission immediately of the existence of financial assets of any of the listed persons or entities, to step up measures to verify the identity of their customers and to comply with the other obligations set out in Chapter XXII, on prevention of money-laundering and other illicit activities, of the norms (N.T. 2001) established by the Commission.

(v) *Financial Intelligence Unit*

The Financial Intelligence Unit (UIF) has reported that it now has a database containing information supplied by various entities and bodies. The database comprises the following, as well as other data:

- The LAVDIN database of Financial and Exchange Transactions. Since June 2003, archived data from the Central Bank's Money-Laundering Monitoring System supplied by 155 banking, financial and exchange entities has been entered into this database. As at 30 June 2004 the database contained approximately 32 million entries.

- Database of banking system debtors. This is a copy of the public database maintained by the Central Bank concerning banking system debtors, creditor entities, debt amounts and credit status.

- Account holders register. The register, which was developed by UIF's Department of Security and Information Technology Systems, collects data on banking, financial and exchange transactions and on banking system debtors, and supplies details concerning the entities and branches where the accounts are held and the transactions are carried out.

- National Aircraft Register database. This is a copy of the database administered by the National Aircraft Register of the National Airworthiness Office and contains data concerning all aircraft registered in Argentina and their owners.

- International transfers database. This is a copy of a database — established in the context of a parliamentary investigation of capital flight — that records international transfers by individuals.

- Inbound foreign exchange database (concerning travellers entering Argentina). This is a copy of the data provided by the Customs Office with regard to sworn statements by travellers entering the country with more than US$10,000 (ten thousand United States dollars).

The Financial Intelligence Unit is also able to conduct targeted searches in the databases of other State entities, such as the Immovable Property Register of the Autonomous City of Buenos Aires, the National Automobile Register and the National Register of Repeat Offenders and Crime Statistics. UIF has also initiated contact with other Government bodies in order to enlist the assistance of their authorities in enabling it to access data stored in their databases, as well as to facilitate streamlined and/or more rapid access thereto. The institutions in question include the National Securities Commission, the National Superintendency of Insurance, the National Register of Persons, the National Immovable Property Register of the Autonomous City of Buenos Aires and the National Tax and Social Identification System.

Mention should be made of the agreement on collaboration between UIF and the Supreme Court of Justice under which UIF is able, inter alia, to seek information from the Court and search its databases for any cases involving matters within its sphere of competence. Thus, no information is kept secret from the Unit. The agreement was ratified at a plenary meeting and adopted as UIF resolution No. 04/2004.

An application has been introduced for computerizing the information contained in suspicious transaction reports (SRTs). The reports, which are received in hard copy, can thus be searched by such parameters as the SRT number, the name of the person or persons named in the reports and the document number. The availability of the data consistently facilitates efforts to establish links between cases stored in the database. In the project's second phase a program will be developed that will enable those required to report to UIF to enter data directly, generate SRTs and transmit them to the Unit via the Internet.

The Financial Intelligence Unit has reported that as at 28 February 2005, a total of 897 electronic suspicious transaction reports had been created from reports received from the following entities: financial and exchange sectors (648); funds transfer houses (93); the Federal Administration of Public Income (76); the insurance sector (27); the Central Bank of the Republic of Argentina (14); the National Securities Commission (11); bingo halls (5); notaries public (5); armoured-truck security firms (1); and publicly listed companies (1).

In the course of discharging its responsibilities UIF also receives information from other sources (Government departments, voluntary declarations and the like). Although these are not suspicious transaction reports, they are valuable contributions which UIF archives in its databases with a view to developing the Consolidated Information Register envisaged in article 15 of Act No. 25,246. UIF has reported a total of 54 such reports.

In addition, under article 13 of this Act, UIF, in its capacity as an expert body on money-laundering, collaborates with the legal authorities in proceedings in which its intervention is required. UIF is assisting these authorities with more than 60 such cases.

1.3 ***The Committee would further appreciate it if Argentina would share with it any assessments or evaluations, especially those relating to operational measures, in connection with the implementation of the resolution carried out by any international or regional institution or organization.***

During the plenary meeting in February 2005 of the Financial Action Task Force on Money Laundering, the Chairman of FATF prepared a report which was transmitted to the Government of Argentina by letter dated 24 February 2005. The letter underscored the need for Argentina to adapt its legal provisions concerning the financing of terrorism and money-laundering (see 1.1 above), and referred to a series of operational measures.

FATF also referred to measures the Government of Argentina had already adopted and those whose adoption was still pending. Section 1.2.2 above describes the operational measures adopted by each of the responsible bodies.

The operational measures referred to in the FATF report include those listed below.

(i) Measures concerning procedures for receiving, analysing and disseminating financial information and other intelligence-related information at the national and international levels

In reply to FATF, Argentina described the measures which it is in the process of adopting to facilitate investigations of possible cases involving the financing of terrorism and to modify the rules governing secrecy and confidentiality (see 1.1.1 above). Argentina also mentioned the memoranda of understanding which the Financial Intelligence Unit had entered into with its counterparts in other States (see 1.1.3 [ii] above) and the program on the exchange of information and statistical data with other bodies and reporting entities (see 1.2.2 [v] above).

(ii) Functions and powers of the authorities responsible for instituting criminal proceedings and applying the law

Argentina reported the measures which are being adopted to facilitate investigations into the financing of terrorism, as well as the introduction of computer applications and the establishment of investigation teams comprising staff from various State entities.

(iii) Identification of clients in commercial transactions and reporting of suspicious activities

Information was provided regarding the steps taken in order to identify clients or transactions posing a risk of money-laundering; harmonize the criteria applicable to financial entities; reconsider the criteria applicable to the insurance sector; and establish the true identity of beneficiaries or owners.

2. Technical Assistance

2.1 ***The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolution. In that regard, the Committee wishes to remind Argentina of the Committee's Directory of Assistance (www.un.org/sc/ctc), which is frequently updated to include new, relevant information on available assistance. The Committee would appreciate receiving information from Argentina concerning areas where it believes it can benefit from assistance, or where it***

might be in a position to provide technical assistance to other States in relation to the implementation of the resolution.

2.1.1 Training activities organized by Federal Government departments

- The Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS), with the support of the Financial Intelligence Unit, has established a training-of-trainers project for law- enforcement agents on money-laundering and terrorist financing. The project includes an initiative to create a network of certified instructors for CICAD who will develop, design and carry out training activities in law-enforcement agencies. The initiative was launched in Buenos Aires in August and December 2004 with the following participating institutions: the Ministry of the Interior, the Argentine Federal Police, the Argentine National Gendarmerie, the Argentine Coast Guard, the Police of the Province of Buenos Aires, the Federal Administration of Public Income, the Intelligence Secretariat and the Financial Intelligence Unit.

- The Financial Intelligence Unit has organized training sessions for its own staff covering such topics as the various forms of money-laundering; organized transnational crime; international mechanisms for preventing and monitoring the laundering of the proceeds of crime; international cooperation in criminal matters; the legal framework (Act No. 25,246); the methodology developed by FATF, the International Monetary Fund (IMF) and the World Bank for evaluating mechanisms for preventing money-laundering; investigation of suspicious and/or unusual transactions; and typology and case analysis exercises. The Unit also organized a workshop with officials from the Ministry of the Interior and another with compliance officials of financial entities.

  In 2004 UIF provided infrastructure and training support for a seminar on preventing and monitoring money-laundering and terrorism financing sponsored by the Inter-American Committee Against Terrorism (CICTE). The Unit has offered to organize an internship program in 2005 to provide training in the aforementioned topics to officials from member States of CICTE.

- Within the framework of CICTE, Argentina has provided — and has offered to continue providing — various forms of technical assistance to train officials from the organization's member States. Thus, in 2004 and 2005 courses were held on port security and airport security, under the aegis of the Argentine Coast Guard and the Airport Security Police, respectively, to provide training on compliance with the standards established by the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO).

  The National Intelligence School, which has been conducting courses for officials from Latin American countries, has invited CICTE member countries to participate in a course in 2005 on the prevention and control of terrorism.

2.1.2 Technical assistance provided by Argentine experts

1. Argentina attaches the utmost importance to the work of the United Nations with respect to technical assistance in the fight against terrorism. Accordingly, it has collaborated actively in efforts to promote training on legal matters by supporting the efforts of the United Nations Office on Drugs and Crime (UNODC), in particular at the regional level. Assistance has been provided on such topics as the drafting of legislation and the training of judges, prosecutors and other officials.

In this regard, as indicated in section 2.3 of Argentina's previous report (S/2004/323), Argentina, acting through the Legal Office of the Ministry of Foreign Affairs, International Trade and Worship, has signed a memorandum of understanding with the Terrorism Prevention Branch of UNDOC with a view to providing technical assistance to Latin American countries through an interdisciplinary team of experts, which has already carried out a significant number of missions.

To this end, Argentine experts have participated in seminars, workshops and other activities conducted in Latin America by UNODC in conjunction with the Committee Against Terrorism of the Organization of American States (CICTE/OAS) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

In particular, Argentine experts participated in the regional seminars held in San José, Costa Rica, in January 2004 and March 2005, as well as in seminar follow-up activities.

It should be noted that Argentine officials from the Ministry of Foreign Affairs, UIF and other bodies have participated in seminars to train expert evaluators organized by the Financial Action Task Force of South America on Money-Laundering (GAFISUD). These officials have international experience in this sphere and are available to provide training on assessing compliance with standards for the prevention and control of money-laundering to officials of countries that are just starting to address the subject. Depending on the particular requirements in each case, tailored advice can be given regarding legal, financial and operational questions about the work of financial institutions.

2. Within the framework of the 3+1 Mechanism (the arrangement established by Argentina, Brazil and Paraguay, which share a border, and the United States of America, which was invited by the three countries to join them), Argentina has offered expert assistance for activities planned for 2005. These include analysis and implementation of plans for the joint patrol of Lake Itaipú and the adjacent waters; implementation of integrated immigration and customs controls in the tri-border area; implementation of the FATF 40+8 Recommendations and the Task Force's recommendations on cross-border transport of cash; analysis by financial information units of the diversion of cash through non-profit organizations; and the adoption of guidelines for information exchange regarding cargo flights in the tri-border area.

2.1.3 Technical assistance required by Federal Government departments

(i) Department of Immigration

In the light of the measures it has adopted (see 1.2.2 [i] above), the Department recognizes that it needs to expand its knowledge with respect to the regulatory, legal and empirical issues involved. The Department would therefore welcome invitations on a regular basis to attend seminars, courses, workshops and the like concerning fraudulent documentation.

(ii) Central Bank of the Argentine Republic

The Bank has indicated that in order to carry out its work on money-laundering and the financing of terrorism more effectively it would, if possible, appreciate receiving assistance in the following areas:

- Technical advice to help it create a consolidated database of transactions conducted by financial entities in accordance with existing standards.

- Information that will enable it to evaluate international experience and standards with a view to devising a parameter for creating profiles of persons (personal data, activities and the like) and its relationship to transactions conducted and the various financial instruments employed. The objective is to facilitate the analysis and/or detection of unusual transactions.

- Technical assistance regarding the transmission of data from entities to the Central Bank and the storage of said data for the purpose of creating a database (for example, encryption, physical and logical security, data storage capacity).

(iii) National Superintendency of Insurance

Inasmuch as the Superintendency is responsible for monitoring all subjects and products that play a role the insurance sector, its officials would benefit from any training, assistance and education that may be available in the future as part of the fight against terrorism. Instruction would be particularly welcome regarding ways to improve techniques for international investigations of procedures developed in the insurance sector — on the basis of experience gained in investigations of legal or illegal organizations, whether profit-making or non-profit — for the purpose, inter alia, of collecting funds to finance international terrorist groups.

(iv) Financial Intelligence Unit

The Unit would like to participate in the following assistance programs listed on the Committee's website:

* EC external assistance facilitating the implementation of United Nations Security Council resolution 1373(2001): an overview – European Commission

Subprogramme:

Fight against networks related to terrorism

* Training and other assistance related to the implementation of United Nations Security Council resolution 1373(2001) (United States of America)

Subprogrammes:

Bureau of Diplomatic Security (State)
Course name: Financial Underpinning of Terrorism

Federal Bureau of Investigation (Justice)
Course name: International Financial Institution Fraud
Course name: White collar Crime/Financial Crimes Seminar

Internal Revenue Service (Treasury)
Course name: Money-Laundering Training
Course name: Money-Laundering and Financial Investigative Techniques
Course name: Training and Technique Application – Advanced

Office of Technical Assistance (Treasury)
Course name: Principles and Techniques of Financial Investigation

United States Customs Service (Treasury)
Course name: Money-Laundering Seminar (MLS)
Course name: Outbound Currency Interdiction Seminar

United States Secret Service (Treasury)
Course name: Combating Economic Fraud and Counterfeiting

United Nations S/2005/480

Security Council

Distr.: General
25 July 2005

Original: English

Letter dated 22 July 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1607 (2005) concerning Liberia. In paragraph 14 of the resolution, the Council re-established the Panel of Experts appointed pursuant to resolution 1579 (2004) for a further period, until 21 December 2005, to undertake the tasks set out in paragraph 14 of resolution 1607 (2005). In paragraph 15 of that resolution, the Council requested me to appoint, in consultation with the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, no more than five experts with the appropriate range of expertise, in particular on arms, timber, diamonds, finance, humanitarian and socio-economic and any other relevant issues.

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1607 (2005), including that I draw as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1579 (2004), I have appointed the following five experts:

Arthur Gregory Blundell (Canada)

Damien Callamand (France)

Caspar Fithen (United Kingdom of Great Britain and Northern Ireland)

Tommy Garnett (Sierra Leone)

Rajiva Bhushan Sinha (India)

I have also designated Mr. Arthur Blundell to serve as the Chairman of the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-43784 (E) 260705

United Nations S/2005/481

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 25 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 7 October 2003 (S/2003/978), transmitting a third report from the Republic of Moldova submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the Republic of Moldova to the United Nations to set out its preliminary comments. The Republic of Moldova has been requested to provide a response in the form of a fourth report by 22 September 2005.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-44449 (E) 090805

United Nations S/2005/482

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 25 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 15 February 2005 (S/2005/90), transmitting a fifth report from Australia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Australia to the United Nations to set out its preliminary comments. Australia has been requested to provide a response in the form of a sixth report by 11 October 2005.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Madam Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-44467 (E) 040805

United Nations S/2005/483

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 25 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 23 February 2004 (S/2004/157), transmitting a fourth report from the United Kingdom of Great Britain and Northern Ireland submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations to set out its preliminary comments. The United Kingdom has been requested to provide a response in the form of a fifth report by 9 September 2005.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-44473 (E) 040805

United Nations S/2005/484

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 25 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 16 February 2005 (S/2005/94), transmitting a fifth report from Bulgaria submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Bulgaria to the United Nations to set out its preliminary comments. Bulgaria has been requested to provide a response in the form of a sixth report by 11 October 2005.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-44479 (E) 040805

United Nations S/2005/485

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I would like to request a meeting of the Security Council to discuss the report of 25 July 2005 on the fact-finding mission of the Special Envoy of the Secretary-General on human settlements. It is important that the meeting take place before the planned departure of the Special Envoy from New York on the evening of 28 July.

(*Signed*) Emyr **Jones Parry**

05-44048 (E) 260705

United Nations S/2005/486

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 19 July 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1603 (2005), dated 3 June 2005, by which the Council requested me to designate a high representative for the elections in Côte d'Ivoire.

Following the usual consultations, it is my intention to appoint Ambassador António Monteiro (Portugal) to the post of High Representative for the elections in Côte d'Ivoire.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-44054 (E) 270705

United Nations S/2005/487

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 22 July 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 19 July 2005 (S/2005/486) concerning your intention, as requested by Security Council resolution 1603 (2005), to appoint Mr. António Monteiro (Portugal) to the post of High Representative for the elections in Côte d'Ivoire has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Adamantios Th. **Vassilakis**
President of the Security Council

05-44066 (E) 270705

United Nations A/59/882–S/2005/488

General Assembly
Security Council

Distr.: General
26 July 2005

Original: English

General Assembly
Fifty-ninth session
Agenda items 96, 97 and 148

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Security Council
Sixtieth year

Note verbale dated 25 July 2005 from the Permanent Mission of Cape Verde to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Cape Verde to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith a copy of the action plan adopted by the regional expert workshop on the ratification and implementation of the universal instruments against terrorism, transnational organized crime and corruption as well as on the drafting of reports to the Counter-Terrorism Committee of the United Nations Security Council, which was held in Praia, from 8 to 10 December 2004 (see annex).

The Permanent Mission of Cape Verde would be grateful if the Secretary-General could bring the action plan to the attention of the General Assembly, under agenda items 96, 97 and 148, and of the Security Council.

05-44162 (E) 290705

Annex to the note verbale dated 25 July 2005 from the Permanent Mission of Cape Verde to the United Nations addressed to the Secretary-General

Regional expert workshop on the ratification and implementation of the universal instruments against terrorism, transnational organized crime and corruption as well as on the drafting of reports to the Counter-Terrorism Committee of the Security Council

Praia, Cape Verde, 8-10 December 2004

Action plan

We, Participants of the Regional Expert Workshop on the ratification and implementation of the universal instruments against terrorism, transnational organized crime and corruption as well as on the drafting of reports to the Counter -Terrorism Committee of the United Nations Security Council, held in Praia, Republic of Cape Verde between 8 and 10 December 2004, representatives of the following countries:

- Angola
- Benin
- Cape Verde
- Republic of Congo
- Democratic Republic of Congo
- Côte d'Ivoire
- Gabon
- Gambia
- Ghana
- Guinea Conakry
- Guinea Bissau
- Equatorial Guinea
- Mauritania
- Mozambique
- Nigeria
- Sao Tome and Principe
- Senegal
- Sierra Leone
- Togo

1. Convey our profound appreciation to the Government of the Republic of Cape Verde, and in particular the Ministry of Foreign Affairs, Cooperation and Communities, for having hosted this Regional Expert Workshop in Praia from 8 to 10 December 2004;

2. Appreciate the efforts of the United Nations Office on Drugs and Crime for the collective action undertaken in the co-organization of this Seminar and for all the assistance provided in the drafting of the reports to the Counter-Terrorism Committee of the United Nations Security Council;

3. Equally appreciate the contribution of donor States for having made possible the holding of this Seminar;

4. Recognize the urgent need for the countries that have not yet done so to accede to the Chemical Weapons Convention (CWC), as well as to fully and effectively implement it, which is a significant contribution to the global anti-terrorist efforts; and extend our gratitude to the Organization for the Prohibition of Chemical Weapons (OPCW) for offering its assistance in this process;

5. Urge our respective States to forward the pending supplementary report to the Counter-Terrorism Committee (CTC) of the United Nations Security Council and the Committee established pursuant to Resolution 1267 of the Security Council, within the timeframe requested by these committees; and for the States who have not yet done so within the set deadlines, to do so by 1 March 2005;

6. Urge our respective States to become parties to the 12 universal instruments against terrorism, the United Nations Convention against Transnational Organized Crime, its three Protocols, and to the United Nations Convention against Corruption as soon as possible;

7. Urge our respective States to address technical assistance requests to the CTC in the areas covered by Resolution 1373 (2001) of the Security Council and not covered by the requests mentioned below;

8. Recommend to the United Nations Office on Drugs and Crime to facilitate the translation of the reports to the Counter-Terrorism Committee, for those countries whose official languages are not official languages of the United Nations;

9. Recommend the appointment of a focal point, within each participating State, which coordinates the activities of the competent State authorities, in particular the Ministry of Foreign Affairs, Justice, Interior, Defence and Finance, on matters related to the fight against transnational organized crime and terrorism;

10. In this context, the representatives of the delegations have made the following technical assistance requests to the United Nations Office on Drugs and Crime;

- ANGOLA: technical assistance for the training of experts with regards to the prevention and suppression of money laundering and the financing of terrorism;

- BENIN: technical assistance for the training of experts with regards to the universal instruments against terrorism, transnational organized crime and corruption, in particular for judicial police officers and magistrates in matters relating to the repression of terrorism and transnational organized crime;

- CAPE VERDE: technical assistance for the implementation of the universal instruments against terrorism, transnational organized crime and corruption, in particular on money laundering; for the training of experts, namely in matters relating to investigations and detention of suspicious transactions;

- REPUBLIC OF CONGO: assistance for the training of experts with regards to the universal instruments against terrorism, transnational organized crime and corruption; as well as for the establishment and organization of a financial intelligence unit and the training of its staff;

- DEMOCRATIC REPUBLIC OF CONGO: legal assistance for the ratification and incorporation of the universal instruments against terrorism, transnational organized crime and corruption; for the training of experts with regards to the aforementioned instruments;

- CÔTE D'IVOIRE: technical assistance for the ratification and implementation of the universal instruments against terrorism, transnational organized crime and corruption; as well as for the training of experts in matters relating to the aforementioned instruments; for the training of experts with regards to the aforementioned instruments;

- GABON: technical assistance for the drafting of a text concerning the establishment, organization and operation of a national financial investigation agency, including the provision of examples of States which have established such an agency; for the incorporation of the universal instruments against terrorism, transnational organized crime and corruption; for the training of experts with regards to these instruments; for the establishment of a financial intelligence unit and the training of its staff;

- GAMBIA: legislative assistance for the ratification and incorporation of the universal instruments against terrorism, transnational organized crime and corruption; for the establishment of a law in matters related to transnational organized crime; for the training of experts related to matters of the said instruments;

- GHANA: technical assistance for a project proposal for the creation of a national financial intelligence unit and to transmit to the CTC the requests for assistance on border control; as well as capacity-building of relevant staff of the financial intelligence unit through training, including good practices recorded in other countries where such agencies are run; legislative incorporation of the universal instruments against terrorism, corruption, and transnational organized crime including money laundering; for the training of experts in matters relating to the aforementioned instruments;

- GUINEA: assistance for the incorporation of the universal instruments against terrorism, transnational organized crime and corruption in the Penal Code and Penal Procedure Code, in particular for the re-editing of these codes; for the training of experts with regards to these instruments;

- GUINEA BISSAU: legislative assistance for the ratification and incorporation of the universal instruments against terrorism, transnational organized crime and corruption; for the training of experts in matters related to the aforementioned instruments;

- EQUATORIAL GUINEA: technical assistance for a project proposal for the creation of a national financial intelligence unit and the transmission to the CTC of the requests for assistance on border control and mercenarism; as well as capacity-building of relevant staff of the financial intelligence unit through training in Spanish language, including good practices recorded in other countries where such agencies are run; legislative incorporation of the universal instruments against terrorism, transnational organized crime (including money laundering) and corruption; for the training of experts in matters relating to the aforementioned instruments;

- MAURITANIA: technical assistance for the incorporation of the universal instruments against terrorism and transnational organized crime; for the training of experts with regards to these instruments; for the elaboration of an extradition bill;

- MOZAMBIQUE: technical assistance for the implementation and incorporation of the universal instruments against terrorism, transnational organized crime and corruption, in particular the prevention and suppression of the financing of terrorism, for the training of experts in matters relating to these instruments;

- NIGERIA: technical assistance in matters relating to the training of experts in the universal instruments against terrorism and transnational organized crime;

- SAO TOME AND PRINCIPE: evaluation mission regarding the need for technical assistance with regards to the incorporation and implementation of the universal instruments against terrorism, transnational organized crime and corruption, in particular concerning money laundering and the financing of terrorism, in addition to the training of experts in these areas;

- SENEGAL: assistance in matters relating to the training of experts in the universal instruments against terrorism and transnational organized crime, in particular for the suppression of the financing of terrorism and money laundering; legal assistance for the ratification and incorporation of the United Nations Convention against

Corruption; establishment of a national unit for the processing and transmission of financial information;

- SIERRA LEONE: technical assistance for a project proposal for the creation of a national financial intelligence unit and capacity-building for its staff through training, including good practices recorded in other countries where such agencies are run;

- TOGO: technical assistance in matters relating to the training of experts in the universal instruments against terrorism and transnational organized crime, in particular on the suppression of the financing of terrorism; technical assistance for the ratification and incorporation of the United Nations Convention against Corruption;

11. The United Nations Office on Drugs and Crime shall transmit the requests forwarded by all delegations to the financing organizations for the supply of technical, material as well as financial assistance, namely for the creation and implementation of their services, the reinforcement of the cross-border control, including the training of personnel and the editing of the confidential documentation, control mechanisms of the traces of the passenger, the improvement of technical equipment of identification, detention and surveillance.

The participants

United Nations S/2005/489

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Further to my letter of 26 July 2005 (S/2005/485) and to our subsequent discussion, I would like to confirm my request for a meeting of the Security Council on 27 or 28 July, to give members of the Council the opportunity to be briefed by Ms. Anna Tibaijuka and to discuss with her the report of the fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina by the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe.

I would be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**

05-44144 (E) 260705

United Nations S/2005/490

Security Council

Distr.: General
26 July 2005

Original: English

Letter dated 26 July 2005 from the Permanent Representatives of Australia, Canada and New Zealand to the United Nations addressed to the President of the Security Council

The Governments of Canada, Australia and New Zealand are deeply concerned at the growing humanitarian and human rights crisis in Zimbabwe.

The report of the Special Envoy of the Secretary-General, Ms. Anna Tibaijuka, clearly documents the failure of the Government of Zimbabwe to protect its people. Operation Restore Order is described as a "disastrous venture", which has resulted in the dislocation of 700,000 people with 2.4 million affected. The vast majority of these are the poor and the disadvantaged. The Secretary-General has accordingly called recent events in Zimbabwe a "catastrophic injustice".

The United Nations report states that the Government of Zimbabwe is "collectively responsible" for this situation. The Government of Zimbabwe must take responsibility and take action, as a matter of urgency, based on the recommendations in the United Nations report. The reaction of the Government of Zimbabwe to the report gives us little confidence that it will do so. In response to the report, the Government of Zimbabwe has denied the crisis and its role in it as "negative publicity".

The linkage between humanitarian and human rights crises and peace and security is well-established. The United Nations report states there will be "far-reaching and long-term social, economic, political and institutional consequences". Even were immediate action to be taken, as outlined in the United Nations report, "it will take many years for the people and society as a whole to recover".

The United Nations has for too long been unable to take up the deteriorating situation in Zimbabwe. It is now at crisis point. We therefore call on the Security Council to be seized of the situation as a matter of urgency and to engage actively with the Government of Zimbabwe to bring an end to this situation. We support careful consideration of the report by the Council and hope that the Council will convene a meeting at its earliest opportunity to be briefed by the Secretary-General's Special Envoy.

05-44150 (E) 260705

We would be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) H.E. Allan **Rock**
Ambassador and Permanent Representative of Canada

(*Signed*) H.E. John **Dauth**
Ambassador and Permanent Representative of Australia

(*Signed*) H.E. Rosemary **Banks**
Ambassador and Permanent Representative of New Zealand

United Nations S/2005/491

Security Council

Distr.: General
29 July 2005
English
Original: English/French

France, Greece, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, including resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1583 (2005) of 28 January 2005 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

Recalling further the letter from its President to the Secretary-General of 18 May 2001 (S/2001/500),

Recalling also the Secretary-General's conclusion that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460), as well as the Secretary-General's conclusion that the United Nations Interim Force in Lebanon (UNIFIL) had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

Reaffirming that the Council has recognized the Blue Line as valid for the purpose of confirming Israel's withdrawal pursuant to resolution 425 (1978) and that the Blue Line must be respected in its entirety,

Gravely concerned at the persistence of tension and violence along the Blue Line, in particular the hostilities that took place in May and the grave incident on 29 June, which demonstrated once more that the situation remains volatile and fragile, as outlined in the Secretary-General's report of 21 July 2005 (S/2005/460),

Emphasizing once again the interim nature of UNIFIL,

Recalling its resolution 1308 (2000) of 17 July 2000,

Recalling also its resolution 1325 (2000) of 31 October 2000,

Recalling further the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Responding to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of six months presented in the letter from its Chargé d'affaires to the United Nations of 11 July 2005 to the Secretary-General (S/2005/444),

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Taking note of the Secretary-General's opinion that the situation does not support a change in UNIFIL's mandate or another reconfiguration of the Force at this stage, and his recommendation that its mandate be extended with no changes to the strength and composition of the Force,

1. *Endorses* the report of the Secretary-General on UNIFIL of 21 July 2005 (S/2005/460);

2. *Decides* to extend the present mandate until 31 January 2006;

3. *Reiterates* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and under the sole and exclusive authority of the Government of Lebanon;

4. *Condemns* all acts of violence, including the recent incidents across the Blue Line that have resulted in deaths and injuries on both sides, *expresses great concern* about the serious breaches and the sea, land and continuing air violations of the withdrawal line, and *urges* the parties to put an end to these violations, to refrain from any act or provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of the UNIFIL and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel;

5. *Reiterates its call on* the parties to continue to fulfil the commitments they have given to respect fully the entire withdrawal line identified by the United Nations, as set out in the Secretary-General's report of 16 June 2000 (S/2000/590), and to exercise utmost restraint;

6. *Calls upon* the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the area, including along the Blue Line, and to exert control and monopoly over the use of force on its entire territory and to prevent attacks from Lebanon across the Blue Line;

7. *Welcomes* the Secretary-General's intention to discuss with the Lebanese Government the next steps in preparing for an expansion of its authority in the south;

8. *Supports* the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line through mobile land and air patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent their escalation, while stressing the primary responsibility of the parties in this regard;

9. *Welcomes* the continued contribution of UNIFIL to operational mine clearance, *encourages* further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/UXO threat in the south, *commends* donor countries for supporting these efforts through financial and in kind contributions and *encourages* further international contributions, and *stresses* the necessity for provision to the Government of Lebanon and UNIFIL any additional existing maps and minefield records;

10. *Calls on* the parties to ensure UNIFIL is accorded full freedom of movement throughout its area of operation as outlined in the Secretary-General's

report, requests UNIFIL to report any obstruction it may face in the discharge of its mandate, and *reiterates* its call on the parties to cooperate fully with the United Nations and UNIFIL;

11. *Welcomes* the efforts being undertaken by UNIFIL to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

12. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of this resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of UNIFIL and the tasks presently carried out by the United Nations Truce Supervision Organization (UNTSO);

13. *Expresses* its intention to keep the mandate and structures of UNIFIL under regular review, taking into account the prevailing situation on the ground, the activities actually performed by the Force in its area of operation, its contribution towards the remaining task of restoring international peace and security, the views of the Lebanese Government and the implications for the Force of an increased presence of the Lebanese army in the south;

14. *Looks forward* to the early fulfilment of the mandate of UNIFIL;

15. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

United Nations S/2005/492

Security Council

Distr.: General
27 July 2005

Original: English

France, Germany, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1582 of 28 January 2005 (S/RES/1582),

Welcoming the report of the Secretary-General of 14 July 2005,

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by regular high-level meetings of the Group of Friends in Geneva and the Georgian-Russian summit meetings,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the

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Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

3. *Reiterates* its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

4. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

5. *Regrets also* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Calls on* both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust and *underlines* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

7. *Welcomes* the commitment by the Georgian side to a peaceful resolution of the conflict and *calls* on both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options;

8. *Reminds* all concerned to refrain from any action that might impede the peace process;

9. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends and the United Nations in Geneva *as well as* the participation of both sides in the last meeting on 7 and 8 April 2005 and the commitments expressed by the parties during this meeting and strongly urges both sides to continue to participate constructively in future meetings;

10. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi in March 2003, and *reiterates* that results-oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter;

11. *Regrets* the cancellation of the meeting on security guarantees planned for July 2005 and *expects* that such a meeting with the full participation of both sides will be held as soon as possible;

12. *Welcomes* the signing on 12 May 2005 of a Protocol with measures to strengthen the implementation of the Moscow agreement on ceasefire and separation of forces of 1994;

13. *Calls again* on the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242) and to implement the proposals agreed on that occasion in a purposeful and cooperative manner, with a view to holding a fourth conference on confidence-building measures, and welcomes the intention expressed by Germany to host such a meeting on economic cooperation and confidence-building measures pending progress in the conflict resolution process;

14. *Welcomes* the positive developments towards the reopening of the railways between Sochi and Tbilisi and towards the return of refugees and internally displaced persons;

15. *Notes* that contacts at the level of civil society can reinforce mutual confidence and *calls* on both sides to facilitate such contacts;

16. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends;

17. *Calls* for the rapid finalization and signature of the letter of intent on returns proposed by the Special Representative of the Secretary-General and *welcomes* the meetings with the participation of the SRSG and UNHCR of the Sochi working group on refugees and internally displaced persons;

18. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms* also the inalienable rights of all refugees and internally displaced persons affected by the conflict, and *stresses* that they have the right to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

19. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

20. *Welcomes* the continuing activities of UNDP in the Gali, Ochamchira and Tkvarcheli districts and the opening of offices by UNDP in Sukhumi and Gali;

21. *Urges* the parties once again to implement the recommendations of the Joint Assessment Mission to the Gali sector (November 2000), *regrets* that there has been no progress to that effect despite the positive consideration by the parties given to those recommendations in the first Geneva meeting and *calls again* upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

22. *Reiterates its concern* that despite the start of the deployment of a civilian police component as part of UNOMIG, as endorsed in resolution 1494

(2003) and agreed by the parties, the deployment of the remaining officers in the Gali sector is still outstanding and *calls on* the Abkhaz side to allow for a swift deployment of the police component in that region;

23. *Calls* in particular on the Abkhaz side to improve law enforcement protection of the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

24. *Welcomes* the measures taken by the Georgian side to put an end to the activities of illegal armed groups and *encourages* the maintenance of these efforts;

25. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

26. *Welcomes* the continuing relative calm in the Kodori valley and *condemns* the continuing criminal activities, including killings and abductions of civilians, in the Gali and Zugdidi districts;

27. *Urges* the parties to abide by the provisions of the protocols on security issues in the Gali district signed on 19 January 2004 and 8 October 2003, to continue their regular meetings and to cooperate more closely with each other to improve security in the Gali sector, and *takes note* of the resumption of Abkhaz participation in the Quadripartite meetings and the Joint Fact Finding Group;

28. *Reiterates its call* on the Georgian side to provide comprehensive security guarantees to allow for independent and regular monitoring of the situation in the upper Kodori valley by joint UNOMIG and CIS peacekeeping force patrols;

29. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel and *calls upon* both sides to fulfil their obligations in this regard;

30. *Strongly condemns* in that respect the repeated abductions of personnel of those missions in the past, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice, *reiterates* that it is the responsibility of the parties to end this impunity and *calls* upon them to take action;

31. *Also calls upon* the parties, *once again*, to take all necessary steps, to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001, to bring them to justice, and to inform the SRSG of the steps taken in particular in the criminal investigation;

32. *Welcomes* the efforts being undertaken by UNOMIG to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

33. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 January 2006, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

14. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

15. *Decides* to remain actively seized of the matter.

United Nations S/2005/493

Security Council

Distr.: General
28 July 2005
English
Original: French

Draft resolution

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolutions 1493 of 28 July 2003, 1533 of 12 March 2004, 1552 of 27 July 2004, 1565 of 1 October 2004, 1592 of 30 March 2005 and 1596 of 18 April 2005,

Reiterating its serious concern regarding the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North Kivu and South Kivu and in the Ituri district, which perpetuate a climate of insecurity in the whole region,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and declaring its determination to closely monitor compliance with the arms embargo imposed by resolution 1493 and expanded by resolution 1596, and to enforce the measures provided for in paragraphs 13 and 15 of resolution 1596 against persons and entities acting in violation of this embargo,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Taking note of the report of the Group of Experts referred to in paragraph 10 of resolution 1533 and paragraph 21 of resolution 1596 (hereafter the Group of Experts), dated 5 July 2005 (S/2005/436), transmitted by the Committee established in accordance with paragraph 8 of resolution 1533 (hereafter the Committee),

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the demands of paragraphs 15, 18 and 19 of resolution 1493 and of paragraphs 5 and 19 of resolution 1596;

2. *Decides*, in light of the failure by the parties to comply with the demands of the Council, to renew until 31 July 2006 the provisions of paragraphs 20 to 22 of resolution 1493, as amended and expanded by paragraph 1 of resolution 1596, and reaffirms paragraphs 2, 6, 10 and 13 to 16 of resolution 1596;

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3. *Expresses* its intention to modify or to remove those provisions if it determines that the demands noted above have been satisfied;

4. *Requests* the Secretary-General, in consultation with the Committee, to re-establish the Group of Experts within thirty days from the date of adoption of this resolution and for a period expiring on 31 January 2006, drawing, as appropriate, on the expertise of the members of the group of experts established pursuant to resolution 1596;

5. *Requests* the Group of Experts to continue fulfilling its mandate as defined in resolutions 1533 and 1596, to update the Committee on its work by 10 November 2005, and to report to the Council in writing, through the Committee, before 10 January 2006, including on the implementation of the measures imposed by paragraph 20 of resolution 1493 and expanded by resolution 1596, with recommendations in this regard, in particular regarding the lists provided for by paragraph 10 (g) of resolution 1533, and including information on the sources of financing, such as from natural resources, which are funding the illicit trade in arms;

6. *Decides* to remain actively seized of the matter.

United Nations S/2005/494

Security Council

Distr.: General
3 August 2005

Original: English

Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its previous relevant resolutions on Iraq, in particular resolution 1546 (2004) of 8 June 2004,

Reaffirming its unwavering support for the Iraqi people in their political transition, as outlined in resolution 1546 (2004), *further reaffirming* Iraq's independence, sovereignty, unity and territorial integrity and *calling upon* the international community to stand by the Iraqi people in their pursuit of peace, stability and democracy,

Reaffirming also the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular its resolutions 1373 (2001) of 28 September 2001, 1566 (2004) of 8 October 2004, and 1267 (1999) of 25 October 1999 and subsequent resolutions,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Commending the courage of the Iraqi people who are working bravely in support of the political and economic transition currently taking place in spite of the grave threat of terrorism,

Welcoming the active steps undertaken by the Government of Iraq towards achieving national dialogue and unity and encouraging continuation of these efforts,

1. *Condemns* without reservation and in the strongest terms the terrorist attacks that have taken place in Iraq, and regards any act of terrorism as a threat to peace and security;

2. *Takes note* particularly of the shameless and horrific attacks in recent weeks which have resulted in over one hundred deaths, including thirty-two children, employees of the Independent Electoral Commission of Iraq, and a member and an expert adviser of the Commission charged with drafting a permanent constitution for a new, democratic Iraq, Mijbil Sheikh Isa and Dhamin Hussin Ubaidi;

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3. *Further notes* with great concern that attacks on foreign diplomats in Iraq have increased in number, and have resulted in the murder or kidnapping of such diplomats;

4. *Expresses* its deepest sympathy and condolences to the victims of these terrorist attacks and their families, and to the people and Government of Iraq;

5. *Affirms* that acts of terrorism must not be allowed to disrupt Iraq's political and economic transition currently taking place, including the constitutional drafting process and its referendum, outlined in resolution 1546 (2004);

6. *Reaffirms* the obligations of Member States under resolutions 1373 (2001) of 28 September 2001, 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004, and 1617 (2005) of 29 July 2005 and other relevant international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens, and specifically strongly *urges* Member States to prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists, and *re-emphasizes* the importance of strengthening the cooperation of the countries in the region, particularly neighbours of Iraq, in this regard;

7. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of these barbaric acts;

8. *Expresses* its utmost determination to combat terrorism, in accordance with its responsibilities under the Charter of the United Nations;

9. *Calls* on the international community to support fully the Government of Iraq in exercising its responsibilities to provide protection to the diplomatic community, United Nations staff and other foreign civilian personnel working in Iraq;

10. *Decides* to remain seized of the matter.